

REMARKS

Applicants respectfully request entry of the above amendments and reconsideration of the following arguments pursuant to 37 C.F.R. § 1.111.

1. Amendments to the Specification

Applicants amend the Specification to more precisely describe the properties of the novel compositions. Support for the amendments can be found at least, for example, from the Specification originally presented. The amendment of the paragraph bridging pages 10-11 of the Specification changes from “5 percent” to “0.3 percent,” support of which can be found, for example, from the first full paragraph on page 32 of the Specification:

When arachidonic acid (AA) is contained as LCPUFA, the proportion of AA with respect to total fatty acids contained in the LCPUFA-PL is not particularly limited, but is preferably **0.3 percent** by weight or greater, more preferably **5 percent** by weight or greater, further preferably 20 percent by weight or greater, and particularly preferably 34 percent by weight or greater.

(emphasis added). The amendment of the first full paragraph on page 11 of the Specification changes from “20 percent” to “5 percent,” support of which can be found, for example, from the paragraph bridging pages 32-33 of the Specification:

When the LCPUFA-PL is PS, the proportion of AA with respect to total fatty acids contained as constituents of the total PS is preferably **5 percent** by weight or greater, or more preferably **20 percent** by weight or greater.

(emphasis added). Applicants submit that the amendments to the Specification do not introduce any prohibited new matter.

2. Status of the Claims

The status of the claims following entry of the amendments is as follows:

Claims canceled: 1-22 and 26-30

Claims pending: 23-25 and 31-36

Claims allowed: 23-25

Claims rejected: 1-36

Claims amended: 31-34

3. Support for the Amendments

Support for the claim amendments can be found at least, for example, from the originally presented claims. Accordingly, Applicants do not believe that any prohibited new matter is being introduced by the entry of the above amendments.

The claims have been amended without prejudice to, or disclaimer of, the canceled subject matter. Applicants reserve the right to file a continuation or divisional application on any subject matter canceled by way of amendment.

4. Acknowledgement of Certified Priority Documents

Applicants appreciate the Office's acknowledgement that all copies of the certified copies of the priority documents have been received in the application from the International Bureau.

5. Acknowledgement of Information Disclosure Statements

Applicants appreciate the Office's acknowledgement of the Information Disclosure Statements (IDSs) filed August 31, 2006 and June 14, 2007.

6. Allowable Subject Matter

Applicants appreciate the Office's indication that claims 23-25 as allowed. Office Action, page 2, ¶ 4.

7. Rejection under 35 U.S.C. § 102(b)

7.1. Claims 1-2, 6-8, and 11-13

The Office rejects claims 1-2, 6-8, and 11-13 under 35 U.S.C. § 102(b) as allegedly anticipated by **JP 2000-245492** ("the '492 application"). The '492 application allegedly discloses phospholipids "produced via extraction of a lipid producing cell wherein said extraction utilizes an organic solvent and pressure." Office Action, page 2, ¶ 2.

Without acquiescing to the merits of the rejection, Applicants cancel claims 1-2, 6-8, and 11-13. The rejection is thus moot. Applicants respectfully request withdrawal of the rejection.

7.2. Claims 1-5, 9-10, 14-22, and 26-36

The Office rejects claims 1-5, 9-10, 14-22, and 26-36 under 35 U.S.C. § 102(b) as being anticipated by the '492 application. The '492 application allegedly discloses phospholipids "produced via extraction of a lipid producing cell wherein said extraction utilizes an organic solvent and pressure; wherein said lipid can be used in foods or nutritional compositions in various forms." Office Action, page 2, ¶ 3.

Without acquiescing to the merits of the rejection, Applicants amend claims 31-34 to depend, directly or indirectly, from allowed claim 23. Unamended claims 35-36 now also depend indirectly from allowed claim 23. Accordingly, claims 31-36 are also in condition for allowance. Claims 1-5, 9-10, 14-22, and 26-30 stand canceled, mooting this aspect of the rejection. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of claims 31-36.

ATTORNEY DOCKET NO.: 47236-0010-00-US (230845)

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Response to Office Action mailed: March 17, 2010

Response dated: June 15, 2010

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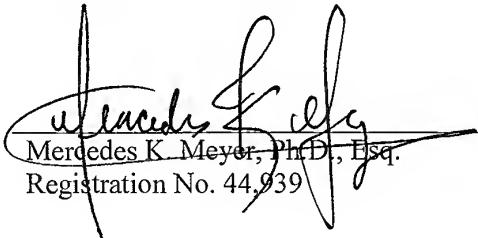
CONCLUSION

The application is in condition for examination on the merits, which is respectfully requested. Should the Office have any questions or comments regarding Applicants' amendments or response, the Office is requested to contact Applicants' undersigned representative at (202) 842-8821. Furthermore, please direct all correspondence to the below-listed address.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 50-0573 for any such fees; and Applicant hereby petitions for any needed extension of time.

Respectfully Submitted,

Date: June 15, 2010 By:


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